



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,233	11/29/2000	Christine Miyachi	XER-20374D/A0600	9612

7590 09/10/2007  
Albert P. Sharpe III Esq  
Fay Sharpe Fagan Minnich & McKee LLP  
7th Floor  
1100 Superior Avenue  
Cleveland, OH 44114-2518

EXAMINER
----------

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
----------	--------------

2625

MAIL DATE	DELIVERY MODE
-----------	---------------

09/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/726,233	Applicant(s) MIYACHI ET AL.	
	Examiner Negussie Worku	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This Office action is in response to the appeal brief filed on April 02, 2007, in which, applicant's arguments, with respect to the rejection(s) of claim(s) 1-7, under U.S.C 102(e) have been fully considered and the finality of the Office action has been withdrawn. However, upon further consideration, a new ground of rejection has been submitted as presented in this Office action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sperry et al. (USP 5,995,723), in view of Sabbagh et al. (USP 6,814,510).

With respect to claim 1, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10) that permits a first print spooler (spooler 44 of fig 2) associated with a network print server (print provider 38 of fig 2) to interface with a second print spooler (one or more spoolers can be provided, col.8, 1-5, which can associated with a print server (print provider 38 of fig

Art Unit: 2625

2) associated with the network print server (38 of fig 2, col.7, lines 50-55) for further processing of a print job submitted to a the network print server (38 of fig 2) from a network print client (15-1 of fig 1, col.7, lines 17-20).

Although Sperry discusses or suggests that one or more spooler can be provided in the system, so that information can flow freely between the printers, (as discussed col.7, lines 65 through col.8, lines 1-5), Sperry fails expressly to teach the second print spooler associated with the network print server.

Sabbagh et al. (510) in the same area of method and apparatus for automatic update of a printer drive configuration, teaches at least on spooler 424 of fig 4, connected to port monitor API 422 of fig 4, col.4, lines 56-67).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Sperry et al. (723) to include: a more than one spooler to interconnect or the second print spooler associated with the network print server.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified network system device of Sperry et al. by the teaching of Sabbagh (510), for the purpose of allowing a user to control a plurality of printer to communicate with a network print device and control the job through network server.

With respect to claim 2, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10), wherein

Art Unit: 2625

the network print server (38 of fig 2) is operating Windows NT software (application 30 of fig 2, such as Microsoft Window application, col.7, lines 39-43), and the second print spooler is a Windows NT print spooler, (col.7, lines 1-10).

With respect to claim 3, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10), Wherein the interface between the NT print spooler and the first spooler (44 of fig 4) the first spooler to Leverage off on Microsoft's print services, protocols and network technologies, (printers of fig 2, are connected to a local printer server which is a micro soft service protocol in a network environment).

With respect to claim 4, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10), wherein the partial print provider is a dynamically linked Library file, (PDL from GDI, col.7, lines 40-45).

With respect to claim 5, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10), wherein all print jobs received by the second spooler (one or more spooler, col.8, lines 1-5) is forwarded to the first spooler (44 of fig 2) for further processing.

With respect to claim 6, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10), wherein the

Art Unit: 2625

partial print provider can be modified to establish an interface between the print spooler (44 of fig 2).

With respect to claim 7, Sperry teaches a partial print provider (processing system 10 of fig 1, adapted to incorporate plurality of printers, col.7, lines 1-10), wherein the network print server is configured to be used with a xerographic print (printers of fig 2, via printer server 38 of fig 2).

### ***Response to Arguments***

4. The remarks made by applicant regarding the relevance of the prior art used to reject the application have been reviewed and respectfully considered. Applicant's arguments has been found persuasive, and the finality of the office action has been withdrawn. However, examiner respectfully submits that claims 1-7 are not in condition for Allowance, and therefore, the Office action non-final.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

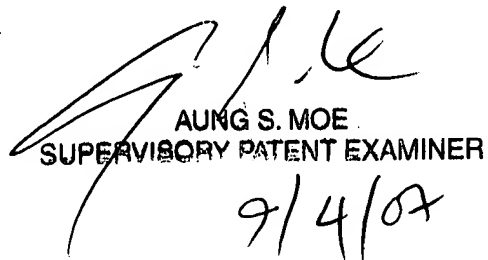
Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Negussie Worku  
08/01/07



AUNG S. MOE  
SUPERVISORY PATENT EXAMINER  
9/4/07